

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#3

In re application of:

Joseph R. BYRUM

Appln. No.: 09/421,106

Filed: October 15, 1999

For: Nucleic Acid Molecules and Other
Molecules Associated with Plants



Art Unit: 1649

Examiner: To Be Assigned

Atty. Docket: 04983.0119.US01/
38-21(15598)B

Response to Notice to File Missing Parts of Application

Box Missing Parts
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Notice to File Missing Parts of Application – Filing Date Granted dated January 6, 2000, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Copy of the Notice to File Missing Parts of Application – Filing Date Granted;
2. Original Declaration (3 pages), executed by the inventor;
3. Howrey & Simon Check No. 324542 in the amount of \$968.00 cover:

\$ 760.00 Filing Fee for Patent Application (37 C.F.R. § 1.16);

\$ 78.00 Fee for excess claim (37 C.F.R. § 1.16); and

\$ 130.00 Surcharge for late filing of Declaration (37 C.F.R. § 1.16); and

4. Return postcard.

It is noted that the Filing Receipt dated January 6, 2000, does not include the inventor's residence. It is recognized that a new Filing Receipt will be issued upon receipt of the executed Declaration, and it is respectfully requested that the inventor's residence be indicated correctly in the new Filing Receipt.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038. If extensions of time under 37

C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 08-3038. A duplicate copy of this Response is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. R. Marsh". The signature is fluid and cursive, with the first name "D" being particularly large and stylized.

David R. Marsh (Reg. No. 41,408)

Date: March 6, 2000

HOWREY SIMON ARNOLD & WHITE, LLP

Box No. 34

1299 Pennsylvania Avenue, N.W.

Washington, D.C. 20004-2402

(202) 783-0800

HOWREY & SIMON



SECTOR
Attorneys at Law
1299 Pennsylvania Ave., NW
Washington, DC 20004-2402
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#3

March 6, 2000

Assistant Commissioner for Patents
Washington, DC 20231

Attn: Box Missing Parts

Re: Utility Application Serial No. 09/421,106
Filed: October 15, 1999
Inventor: Joseph R. BYRUM
For: Nucleic Acid Molecules and Other Molecules Associated with Plants
Atty. Ref.: 04983.0119.US01/38-21(15598)B

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Response to Notice to File Missing Parts of Application;
2. Copy of the Notice to File Missing Parts of Application – Filing Date Granted;
3. Original Declaration (3 pages), executed by the inventor;
4. Howrey & Simon Check No. 324542 in the amount of \$968.00 to cover the basic filing fee, excess claim fee, and the surcharge for late filing of the signed Declaration; and
5. Return postcard.

It is respectfully requested that the attached postcard be stamped with the filing date of these documents and returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby requested, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 08-3038. A duplicate copy of this letter is enclosed.

Respectfully submitted,

David R. Marsh (Reg. No. 41,408)

Enclosures



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

#3

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/421,106

10/15/99

BYRUM

04983.0119.U

DAVID R MARSH ESQ
HOWREY & SIMON
BOX NO 34
1299 PENNSYLVANIA AVENUE N W
WASHINGTON DC 20004-2402

0212/0106



NOT ASSIGNED

1649

DATE MAILED:

01/06/00

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 968.00.

☒ 1. The statutory basic filing fee is:

- ☒ missing.
☐ insufficient.

Applicant must submit \$ 760.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. The following additional claims fees are due:

\$ _____ for _____ total claims over 20.

\$ 78.00 for 1 independent claims over 3.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

03/08/2000 MARSH 00000006 09421106
760.00 DP
130.00 DP
76.00 DP
01 FC:101
02 FC:105
03 FC:102